

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior listings and versions of claims in this application. Please cancel claims 18-22 and 32, without prejudice or disclaimer, and amend claims 23-25, 28, and 29, as follows:

1-22. (Canceled).

23. (Currently Amended) A device for performing endoluminal fundoplication of a patient's esophagus and stomach, comprising:

a flexible tube having a distal end adapted for insertion in the stomach through the esophagus;
a grasper disposed adjacent the distal end of the flexible tube and
configured to grasp a selected portion of an esophageal wall;
a tissue displacement device disposed adjacent the distal end of the flexible
tube and configured to press a fundus wall of the stomach towards the
esophageal wall, so as to form an intussusception of the esophagus
into the stomach; and
a fastening device configured to pass through a lumen of the flexible tube
relative to the tissue displacement device and configured to insert a
fastener through the intussusception after the intussusception is formed
so as to maintain the esophageal wall and the fundus wall adjacent to
one another.

24. (Currently Amended) The device of claim 23, further comprising ~~means for injecting an injector configured to inject~~ one of an adhesive agent and a sclerosant agent between the fundus wall and the esophageal wall.

25. (Currently Amended) The device of claim 23, wherein the device includes flexible tube comprises an overtube having at least one channel lumen for accommodating at least one of an endoscope and the tissue displacement device.

26. (Previously Presented) The device of claim 23, further comprising an endoscope.

27. (Previously Presented) The device of claim 23, wherein the grasper is configured to pull the grasped portion of the esophageal wall into the stomach.

28. (Currently Amended) The device of claim 23, the ~~fastener delivery~~ fastening device includes a hypotube configured to extend across the intussusception.

29. (Currently Amended) ~~The device of claim 23, A device for performing endoluminal fundoplication of a patient's esophagus and stomach, comprising:~~
a grasper configured to grasp a selected portion of an esophageal wall;
a tissue displacement device configured to press a fundus wall of the
stomach towards the esophageal wall, so as to form an
intussusception;

a fastener; and

a fastening device configured to insert the fastener through the

intussusception after the intussusception is formed so as to maintain

the esophageal wall and the fundus wall adjacent to one another,

wherein the fastener includes a distal end and a proximal end, and at least

one of the distal and proximal ends includes an inflatable member.

30. (Previously Presented) The device of claim 23, wherein the fastener includes a distal end and a proximal end, and at least one of the distal and proximal ends includes a deformable member.

31. (Previously Presented) The device of claim 23, wherein the tissue displacement device comprises an anvil portion and a tissue displacing portion pivotally coupled to the anvil portion.

32. (Cancelled).